

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

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CASE NO. 25-CA-219925

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Alcoa Corporation,

and

United Steel, Paper and Forestry,  
Rubber, Manufacturing, Energy,  
Allied Industrial and Service Workers  
Local 104

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**ALCOA CORPORATION'S EXCEPTIONS  
TO ADMINISTRATIVE LAW JUDGE'S DECISION**

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Dated: April 24, 2019

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

ALCOA CORPORATION

and

Case No. 25-CA-219925

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS LOCAL 104

**RESPONDENT'S EXCEPTIONS TO  
ADMINISTRATIVE LAW JUDGE'S DECISION**

Pursuant to Section 102.46 of the National Labor Relations Board's Rules and Regulations, Alcoa Corporation ("Respondent") respectfully files the following exceptions to the March 27, 2019 Decision of Administrative Law Judge ("ALJ") Paul Bogas.

**I. EXCEPTIONS TO THE FINDINGS, RULINGS, AND CONCLUSIONS OF THE ALJ**

1. To the finding that Respondent violated Section 8(a)(1) of the National Labor Relations Act ("the Act") when Labor Relations Specialist Terrence Carr ("Carr") "directed employees who he interviewed as part of the investigation of [Ron] Williams' conduct that the interviews were confidential and should not be disclosed." (D. 5:47-49; 10:40-44).
2. To the finding that Respondent did not have a "legitimate basis for withholding the witness names" and violated Section 8(a)(5) and (1) of the Act by failing to provide the names of hourly employees who provided statements to Respondent as part of its investigation into Williams' misconduct. (D. 9:9-16; 11:1-5)).
3. To the implication that Respondent had some malicious intent in failing to

provide the dates of interviews. (D.10, fn. 6).

4. To the finding that Respondent violated Section 8(a)(5) and (1) of the Act when it “unreasonably delayed providing the Union with the dates of the employee witness interviews that the Union requested.” (D. 10:27-29; 11:7-9).

5. To the finding that Respondent “failed to meet its burden of establishing that the Union no longer has any need” for the witness names where the arbitration hearing has concluded and the parties are merely awaiting a decision. (D. 11:29-47).

## **II. CONCLUSION**

For these reasons, Respondent respectfully asks that the exceptions of Respondent Alcoa Corporation be granted.

Respectfully submitted this 24th day of April, 2019.

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.

By: /s/ Sarah M. Rain  
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Counsel for Respondent

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

In the Matter of:	)	
	)	
ALCOA CORPORATION	)	
	)	
Respondent,	)	Case No. 25-CA-219925
	)	
and	)	
	)	
UNITED STEEL, PAPER AND FORESTRY,	)	
RUBBER, MANUFACTURING, ENERGY,	)	
ALLIED INDUSTRIAL AND SERVICE	)	
WORKERS LOCAL 104,	)	
	)	
Charging Party.	)	

**CERTIFICATE OF SERVICE**

I do hereby certify that on April 24, 2019, a true and correct copy of the foregoing Exceptions to the Administrative Law Judge's Decision was *Electronically Filed* on the NLRB's website <http://www.nlr.gov>.

Also, I do hereby certify that a true and correct copy of the foregoing Exceptions to the Administrative Law Judge's Decision has been served by electronic mail this 24th day of April, 2019 on: Raifael Williams at [Raifael.Williams@nlrb.gov](mailto:Raifael.Williams@nlrb.gov) and Marty Ellison at [mellison@usw.org](mailto:mellison@usw.org).

By: /s/ Sarah M. Rain  
Counsel for Alcoa Corporation

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